

# House File 363 - Introduced

HOUSE FILE 363

BY MCKEAN

## A BILL FOR

1 An Act changing the date of the primary election.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. Section 43.7, Code 2017, is amended to read as  
2 follows:

3     **43.7 Time of holding.**

4     The primary election by all political parties shall be held  
5 at the usual voting places of the several precincts on the  
6 first Tuesday after the first Monday in ~~June~~ September in each  
7 even-numbered year.

8     Sec. 2. Section 43.73, unnumbered paragraph 1, Code 2017,  
9 is amended to read as follows:

10     Not less than ~~sixty-nine~~ forty-six days before the general  
11 election the state commissioner shall certify to each  
12 commissioner, under separate party headings, the name of each  
13 person nominated as shown by the official canvass made by the  
14 executive council, or as certified to the state commissioner  
15 by the proper persons when any person has been nominated by  
16 a convention or by a party committee, or by petition, the  
17 office to which the person is nominated, and the order in which  
18 federal and state offices, judges, constitutional amendments,  
19 and state public measures shall appear on the official ballot.

20     Sec. 3. Section 43.76, Code 2017, is amended to read as  
21 follows:

22     **43.76 Withdrawal of nominated candidates.**

23     1. A candidate nominated in a primary election for any  
24 office for which nomination papers are required to be filed  
25 with the state commissioner may withdraw as a nominee for that  
26 office on or before, but not later than, the ~~eighty-ninth~~  
27 fiftieth day before the date of the general election by so  
28 notifying the state commissioner in writing.

29     2. A candidate nominated in a primary election for any  
30 office for which nomination papers are required to be filed  
31 with the commissioner may withdraw as a nominee for that  
32 office on or before, but not later than, the ~~seventy-fourth~~  
33 fifty-fifth day before the date of the general election by so  
34 notifying the commissioner in writing.

35     Sec. 4. Section 43.78, subsections 2 and 3, Code 2017, are

1 amended to read as follows:

2     2. The name of any candidate designated to fill a vacancy on  
3 the general election ballot in accordance with [subsection 1](#),  
4 paragraph "a", "b", or "c", shall be submitted in writing to the  
5 state commissioner not later than 5:00 p.m. on the ~~eighty-first~~  
6 forty-sixth day before the date of the general election.

7     3. The name of any candidate designated to fill a vacancy  
8 on the general election ballot in accordance with subsection  
9 1, paragraph "d", "e", or "f", shall be submitted in writing to  
10 the commissioner not later than 5:00 p.m. on the ~~sixty-ninth~~  
11 fifty-sixth day before the date of the general election.

12     Sec. 5. Section 43.77, subsection 3, Code 2017, is amended  
13 to read as follows:

14     3. The person nominated in the primary election as the  
15 party's candidate for that office subsequently withdrew as  
16 permitted by [section 43.76](#), was found to lack the requisite  
17 qualifications for the office, or died, at a time not later  
18 than the ~~eighty-ninth~~ fiftieth day before the date of the  
19 general election in the case of an office for which nomination  
20 papers must be filed with the state commissioner and not later  
21 than the ~~seventy-fourth~~ fifty-fifth day before the date of the  
22 general election in the case of an office for which nomination  
23 papers must be filed with the county commissioner.

24     Sec. 6. Section 43.79, Code 2017, is amended to read as  
25 follows:

26     **43.79 Death of candidate after time for withdrawal.**

27     The death of a candidate nominated as provided by law for any  
28 office to be filled at a general election, during the period  
29 beginning on the ~~eighty-eighth~~ fiftieth day before the general  
30 election, in the case of any candidate whose nomination papers  
31 were filed with the state commissioner, or beginning on the  
32 ~~seventy-third~~ fifty-fifth day before the general election, in  
33 the case of any candidate whose nomination papers were filed  
34 with the commissioner, and ending on the last day before the  
35 general election shall not operate to remove the deceased

1 candidate's name from the general election ballot. If the  
 2 deceased candidate was seeking the office of senator or  
 3 representative in the Congress of the United States, governor,  
 4 attorney general, senator or representative in the general  
 5 assembly or county supervisor, [section 49.58](#) shall control. If  
 6 the deceased candidate was seeking any other office, and as a  
 7 result of the candidate's death a vacancy is subsequently found  
 8 to exist, the vacancy shall be filled as provided by chapter  
 9 69.

10 Sec. 7. Section 53.2, subsection 1, paragraph a, Code 2017,  
 11 is amended to read as follows:

12 a. Any registered voter, under the circumstances specified  
 13 in [section 53.1](#), may on any day, except election day, and  
 14 not more than ~~seventy~~ forty-five days ~~prior to~~ before the  
 15 date of the general election and not more than seventy days  
 16 before the date of any other election, apply in person for an  
 17 absentee ballot at the commissioner's office or at any location  
 18 designated by the commissioner. However, for those elections  
 19 in which the commissioner directs the polls be opened at noon  
 20 pursuant to [section 49.73](#), a voter may apply in person for an  
 21 absentee ballot at the commissioner's office from 8:00 a.m.  
 22 until 11:00 a.m. on election day.

#### 23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
 25 the explanation's substance by the members of the general assembly.

26 This bill changes the date of holding the primary election  
 27 from the first Tuesday after the first Monday in June in each  
 28 even-numbered year to the first Tuesday after the first Monday  
 29 in September in each even-numbered year. The dates for other  
 30 deadlines related to the primary and general election are  
 31 changed accordingly. Additional corresponding changes may be  
 32 required.